

OCT 09 2020

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In The United State District Court
For The Middle District of Pennsylvania

Jorge Gomez
Plaintiff,

1:20-CV-01637

Vs.

Judge Kane

United States Of America
Defendant's

Bureau of Prison
Dr. J. Cullen
A.H.S.A. B. Parkyn
H.S.A. J.B. Foster
P.A.-C. B. Zalno
P.A.-C. K. Sorrell
individually and in their
official capacities.

Plaintiff Amend Complaint

Plaintiff Jorge Gomez, for his first Amend Complaint against defendant's United States Of America Bureau of prison, Thomas Cullen D.O. Ryan Parkyn A.H.S.A. J.B. Foster H.S.A. K. Sorrell P.A.-C. B. Zalno P.A.-C in there official capacities.

Jurisdiction And Venue

This court has jurisdiction over action under
28 U.S.C Section 1331

Defendant's

1) DR. T. Cullen: Personally involved. Attach to original complaint. Pain and suffering for not given effective medication for his colitis, proctitis and no treatment for proctitis. Also not giving Special Diet.

2) A.H.S.A. R. Parkyn, Personally involved: Attach to original complaint. Pain and suffering for not given Special Diet, Because of colitis, proctitis, proctitis.

3) J.B. Foster HSA, Personally involved: Attach to original complaint. Pain and suffering for not sending Gomez to the hospital in time and not giving pain medication as needed for pain.

New Defendant's

4) FCI Ray Brook Food service administrator:
Mailing address: P.O. Box 900 Ray Brook New York
12977

5) PA-C B. Zalno: Employed as PA-C Zalno at
FCI Allenwood medium
Mailing address: P.O. Box 2500 White Deer, PA 17887

6) PA-C K. Sorrell: Employed as PA-C Sorrell
at FCI Ray Brook medium
Mailing address: P.O. Box 900 Ray Brook New York
12977

Statement Of Claim

1) J.B. Foster HSA: Personally involved in her physical capacity when Gomez suffer cruel and unusual punishment for failure to provide adequate medical care. When Gomez told Foster his symptoms, Foster should have send Gomez to the hospital, Whe Gomez got back to the prison, Foster never gave Gomez the pain medication the hospital prescribe. Knowing very well the unbearable pain Gomez was in.

Gomez was in FCI Ray Brook medium SHU. On 1-25-18 after the lunch meal, Gomez stomach started hurting. That night Gomez started vomiting and having diarrhea with sharp pain in lower abdominal. Gomez threw-up 5 times that night, went to the bathroom around 14 times. On 1-26-18 Gomez made a complaint to HSA J.B. Foster when she did her rounds on the bottom tier, since Gomez was located in cell 110. Foster told Gomez to drink a lot of water so Gomez won't get dehydrate, It just a virus that going around and it should go away just Keep drinking water so you won't get dehydrate. Gomez complained to PA-C K. Sorrell the next day in the morning when she was giving pills to the inmates in the SHU. Gomez told Sorrell that he no longer could hold his food down and that Gomez was going to the bathroom more than 10 times a day, with blood and diarrhea mix together. Gomez Rectum fealt like it was on fire, A Burning pain that fealt like his inside were going to exploded. On 2-3-18 the pain was so unbearable that the prison had to call the hospital so they could take Gomez to the Emergency room. (EMS Report 2-3-18) The patient was hypertensive and tachycardic when EMS got to the prison and on the way the patient became unresponsive Pale and hypontensive with blood pressure 80 systolic

and pulse was in the 140's. Patient is complaining of severe Rectal pain and pressure in his Rectum which is much more intense than his abdominal pain. Gomez was diagnose with a bacteria that comes from food poisoning. see (CT Exam GI Tract) There is diffuse abnormal thickening of the cecum, ascending colon as well as the hepatic flexure. More mild thickening of the remaining transverse colon and descending colon is present. Small amount of surrounding stranding is also trace of surrounding free fluid seen near the cecum. Prominent wall enhancement is identified in the colon. The appendix is minimally enlarged at 7mm with a minimal amount of surrounding stranding. This appears to be part of the colitis involving. see (Pathology Report 2-8-18) Infectious colitis due to: Shigella, Salmonella, Enterohemorrhagic E. Coli, Klebsiella oxytoca. The FDA say that these bacteria could cause serious illness or death in human beings.

Gomez suffer Emotional distress by being traumatize due to unbearable pain which cause Gomez to suffer cruel and unusual punishment for failure to provide adequate medical care. Also not giving pain medication as hospital order for Gomez pain. see (Restriction) Take flagyl and ciprofloxacin as directed and discontinue Augmetin prescription. May receive tylenol with codeine and Ibuprofen in prison as needed for pain relief as well beginning sitz baths for symptomatic relief. Gomez suffer unbearable pain from 1-25-18 to 5-4-2018.

" 2) PA-C K. Sorrell: Personally involved in her physical capacity. Gomez suffer negligence when PA-C K. Sorrell didn't consider Gomez symptoms serious and recommandate to take Gomez to the hospital.

Prescribing in appropriate medication that made Gomez condition worse.

Gomez was in FCI Ray Brook medium in the SHU. On 1-25-18 after the lunch meal Gomez stomache started hurting. That night Gomez started vomiting and having diarrhea with sharp pain in lower abdominal. Gomez threw-up 5 times and used the bathroom around 14 times. On 1-26-18 Gomez made his first complaint to J.B. Foster HSA while she was doing her rounds. Foster told Gomez to drink plenty of water so you don't get dehydrate. It just a virus it should go away just be sure you drink water. The next day Gomez complained to PA-C K. Sorrell about having diarrhea with bad abdominal pain. Sorrell told Gomez to stop drinking to much water and take sips at a time to see if his stool get hard. That night Gomez when to the bathroom around 5 times and threw-up 2 times. In the morning another staff member came to pass the pills to the inmates in the SHU. Gomez kept having diarrhea and abdominal pains. On 2-1-18 Gomez saw PA-C Sorrell and told her that it got worse. That now it was diarrhea mix with blood. With increase pressure in the Rectum. Gomez told her that it feels like his inside are coming out threw his anus. Sorrell prescribe Milk of magnesia and told Gomez that all she could do onto monday morning when she get back to the prison. Gomez condition got worse and because he started getting dizzy he started drinking lots of water. Gomez went to the bathroom around 16 times that night and threw-up 6 times. On 2-2-18 when they was passing the pills to inmates Gomez made his complaint with the medical staff that was there. The EMT told Gomez that they are going to give him something else on monday. Gomez was in

so much pain that he thought he was going to die. Gomez climb up to his bunk and didn't get up from there only to use the bathroom. Gomez went to the bathroom around 16 times, By then all that came out was water. The next day 2-3-18 they was doing the 10 a'clock count, The officer told Gomez that he has to get up for count, Gomez couldn't even move because of the unbearable pain it cause. The officer got a LT and they took Gomez to the health Dept, and call an ambulance to pick up Gomez and take him to the Emergency room. see (Ems report) The patient was hypertensive and tachycardic when EMS got to the prison and on the way the patient became unresponsive, pale and hypotensive with blood pressure 80 systolic and pulse was in the 140's. Patient is complaining of severe Rectal pain and pressure in his Rectum which is much more intense than his abdominal pain. Gomez was diagnose with a bacteria that comes from Food poisoning. see (CT Exam GI Tract) There is diffuse abnormal thickening of the cecum, ascending colon as well as the hepatic flexure. More mild thickening of the remaining transverse colon and descending colon is present. Small amount of surrounding stranding is also trace of surrounding free fluid seen near the cecum. Prominent wall enhancement is identified in the colon. The appendix is minimally enlarge at 7mm with a minimal amount of surrounding stranding. This appears to be part of the colitis involving. see (Pathology Report 2-8-18) Infectious colitis due to: Shigella, Salmonella, Enterohemorrhagic E. Coli, Klebsiella oxytoca. The FDA say that these bacteria could cause serious illness or death in human beings. Gomez was in the hospital onto 2-9-18. That night Gomez had a bowel movement and the stool was black with a lot of pressure in the Rectum, The prison took Gomez back to the hospital

Gomez came back to the prison on 2-11-18. The hospital prescribe: Flagil and Ciprofloxacin as directed and discontinue Augmetin prescription. May receive tylenol with codeine and Ibuprofen in the prison as needed for pain relief as well beginning sitz baths for symptomatic relief. Gomez was giving his medication for the colitis three times a day, But no pain medication. Gomez put his complaint about the pain he was suffering threw sick call. On or about march of 2018 PA-C Sorrell came to see Gomez and to prescribe Mesalamine and asked if his stool is still coming out black or with blood. Gomez said no to the black stool and yes to the blood. Gomez asked if he could get pain medication. Sorrell said that Foster haven't approved for Gomez to get pain medication, You should get tranfer soon so hang on. On 3-31-18 Gomez was taking his medication an sneeze and shit-it on him self. The warden was passing by and told the captain to get me out the SHU. On 4-2-18 Gomez when to Delaware B. Gomez stay there onto he got tranfer on 5-4-18.

Gomez suffered pain, Mental distress and the lose of the enjoyment of life. Suffered embarrassment and humiliation for the consumption of contaminated food. PA-C Sorrell was negligent for denying proper medical treatment and making Gomez symptoms worse when she gave him Milk of magnesia. Gomez suffer from 1-25-18 to 5-4-18.

3) PA-C B. Zalno: Personally involved in her physical capacity. Gomez suffer negligence when Zalno failure to provide adequate medical treatment of Gomez colitis, proctitis and prostatitis. Gomez

suffered and continues to suffer greatly, when Gomez medical record called for different treatment than what he received.

Gomez came to FCI Allenwood medium in 5-7-18 from FCI Ray Brook medium. Gomez was diagnose with colitis, proctitis and prostatitis. Since PA-C Zalno was Gomez medical provider in the prison. Zalno schedule an appointment with the GI Doctor. GI Doctor saw Gomez and prescribe metronidazole and schedule a colonoscopy. On 7-18-19 a colonoscopy was done and they said that Gomez colitis was mild. Gomez was complying with his medication. Gomez was having diarrhea, stomach bloating, abdominal pain and pain in Anus-Rectum area after he finish using the bathroom. On or about 8 of 2018 Gomez went to see Zalno for the results of the colonoscopy. Zalno told Gomez that the colonoscopy result show that there is no sign of the colitis. Gomez told Zalno why do I feel like something is wrong with me, and still having the same symptoms of diarrhea, stomach bloating abdominal pain and pain in Anus-Rectum area after he finish using the bathroom. Zalno told Gomez to stop taking the mesalamine, that might be the reason for the diarrhea. Dr Cullen prescribe fiber supplement this will keep your bowel moving. Gomez kept having problem with diarrhea, stomach bloating, abdominal pain and pain in Anus-Rectum area after he finish using the bathroom. Gomez express his complaint to medical dept threw sick call. On or about Sep of 2018 Gomez got his medical record from Health services. Gomez read the Colonoscopy result and saw that he still had the colitis not only that but that Gomez had something else wrong with him proctitis and with

his prostate. See (Reproductive system 2-3-18) Prostate appears to be mildly enlarged. Partial visualization of a 10mm hyperdensity within the subcutaneous penis. Gomez when to sick call so he could talk to PA-C Zalno about this. Gomez was schedule the following week. Gomez asked Zalno about what it said in the colonoscopy report. see (Colonoscopy Special instructions 7-18-18) There was only the mildest bit of inflammation seen in one area of the bowel. Not where you are having the discomfort" Zalno told Gomez that the pathology results said that there was no sign of the colitis in the biopsies they obtained. Gomez asked Zalno for a special diet, because when Gomez eat the food from the kitchen that is cook with spicy seasoning his stomach start hurting. Maybe that might be the reason for his diarrhea, bloated stomach, abdominal pain with pain in Anus-Rectum after he finish using the bathroom. Zalno told me that she going to schedule Gomez to see Dr. Cullen. For your other concern of a special diet that has to get approved by HSA Parkyn, You could see him in mainline. Gomez continued having diarrhea, stomach bloating, abdominal pain with pain in Anus-Rectum area after he finish using the bathroom. On or about Dec of 2018 Gomez saw PA-C Zalno so she could tell him about the GI appointment that Gomez had for a future date. Also to tell Gomez that everytime I have pain I shouldn't go to sick call, That this is a chronic medical issue that is being addressed just be patient during the scheduling process. On 5-8-19 had a flexible sigmoidoscopy. The GI Doctor recommended: A pelvic MRI scan might be reasonable, to check the tissues outside of the rectum, to see if there are inflamed lymph nodes, or other abnormalities. Also no hemmroid because hemorrhoids cause irritation

in the Anus-Rectum area. Gomez continued to have problem with diarrhea, stomach bloating, abdominal pain with pain in Anus-Rectum area after he finish using the bathroom. On 7-24-19 MRI exam was done. On 7-29-19 Gomez had unbearable pain in Anal-Rectum area. Gomez was taken to health service in a wheel chair, Because he couldn't walk. Zalno did the intake exam and told Gomez that she will scheduled an appointment so we could review the MRI results. Gave Gomez mylanta and send him back to the unit. The officer took Gomez back to the Unit pushing the wheel chair. When Gomez got to the Unit the officer on duty in the Unit had to help Gomez go up the stairs with the help of his cell mate. Gomez couldn't climb up to his bunk so he slept on the floor. On 7-31-19 Gomez when to see PA-C Zalno. Zalno told Gomez that Dr. Cullen and her review the MRI and that every thing seems normal. Gomez asked to let him read the report, Gomez pointed out the remark in Impression 2: "The seminal vesicles appear prominent in size bilaterally which could represent an infection or inflammatory process." Zalno said that this is common in man over 40. Dr. Cullen recommended to put you on fluoxetine that is used for depression. The reason is Because of the evaluation I did in our encounter on 7-29-19, since I noted that you might have mild anxiety, Dr. Cullen feel since you are in a stressfull place you are having these symptoms. Gomez continued to have problem with diarrhea, stomache bloating, abdominal pain with pain in Anus-Rectum area after he finish using the bathroom. Gomez started making his complaint threw the administrative Remedy process on 7-17-19. On 10-3-19 Gomez when to sick call to see PA-C Zalno. On 10-4-19 Gomez saw Zalno and told her that he realy needed a special diet.

PA-C Zalno said that she will see what could be done for me and since she was leaving she will tell the new PA-C to make the recommendation to the new HSA.

Gomez suffer emotional distress by being traumatized due to pain and suffering. PA-C Zalno was negligence for denying proper medical treatment and instead of performing more diagnostic testing prescribed in appropriate medication that were ineffective to Gomez condition. Gomez has been suffering from 1-25-18 to present time.

4) Dr T. Cullen: Personally involved in his physical capacity. When Gomez suffer cruel and unusual punishment. For not receiving the proper medication to Gomez illness. By not getting Special diet made Gomez suffer extreme pain in lower abdominal, diarrhea to the point of physically not eating the food from the prison Kitchen. Gomez has been suffering from 1-25-18 up to present time.

Gomez got diagnose with colitis, proctitis and prostatitis. Gomez got transfer to FCI Allenwood medium on 5-7-18. On 7-18-18 a colonoscopy was done. On or about Dec of 2018 Gomez saw Dr. T. Cullen for his 6 month physical exam. Gomez explain to Dr. Cullen that he need a special diet Because the food from the prison kitchen is cook with spice and it bothers Gomez stomach. Explain about having diarrhea, bloating, abdominal pain with pain in Anus-Rectum area when he go to the bathroom. Gomez told Dr Cullen what was said in the colonoscopy report (7-18-18) "There was only the mildest bit of inflammation seen in one area of the bowel

not where he is having the discomfort." Also what it said about the prostate (CT Exam 2-3-18) "Prostate appears to be mildly enlarged. Partial visualization of a 10mm hyperdensity within the subcutaneous penis" Dr. Cullen response was that the colonoscopy report said that there was no signs of the colitis. This was the reason why Dr. Cullen stop the medication for the colitis. Gomez asked about his other symptoms and "Special diet. Dr. Cullen said that this is why you took metronidazole. The reason the colitis is gone is because this medicine. It took the infection in your stomach so you don't need a Special diet. Gomez continued to have problem with diarrhea, bloating, abdominal pain with pain in Anus-Rectum area after he finish using the bathroom. On or about feb of 2019 after continued complaint threw sick call request. Gomez saw the GI Doctor and schedule a flexible sigmoidoscopy. On 5-8-19 a flexible sigmoidoscopy was done. The GI Doctor recommended: a pelvic MRI scan might be reasonable to check the tissues outside of the Rectum. To see if there are inflamed lymph nodes or other abnormalities. Also no hemorrhoids because hemorrhoid cause irritation in the Anus-Rectum area. Gomez continued to have problem with diarrhea, bloating, abdominal pain with pain in Anus-Rectum area after he finish using the bathroom. On 7-29-19 Gomez had unbearable pain in Anal-Rectum area. Gomez was taken to health service in a wheel chair because Gomez couldn't walk. PA-C Zalno did the intake exam. Zalno told Gomez that she will scheduled an appointment to review the MRI result with him, gave Gomez mylanta and send him back to the Unit. The officer on duty took him back to the unit pushing the wheel chair. When Gomez got to the unit the officer on duty help Gomez go up the stairs with the help of Gomez cell-mate. Gomez couldn't

climb up to his bunk so he slept on the floor. On 7-31-19 Gomez saw PA-C Zalno, she told him that Dr Cullen and her review the MRI, Everything looks normal. Gomez asked to let him read the MRI report. Gomez pointed out the remarks in (Impression 7-24-19) "The seminal vesicles appear prominent in size. Bilaterally which could represent an infection or inflammatory process." Zalno said that this is common in man over 40's. Dr Cullen recommended to put you on fluoxetine that is used for depression. Dr Cullen feels since you are in a stressfull place you might be having these symptoms. Zalno gave Gomez the consent form to sign to start Gomez on the mental Health medication. Gomez continued to have problem with diarrhea, bloating abdominal pain with pain in Anus-Rectum area after he finish using the bathroom. Gomez made his complaint threw the administrative Remedy on (7-17-19). On 1-13-20 the General counsel response said: "It is documented you claimed to have problem after eating food with spicy seasoning. Your primary care team will continued to make recommendation as needed. A diet consult was entered and is scheduled at a future date. Gomez continued having diarrhea, bloating, abdominal pain with pain in Anus-Rectum after he finish using the bathroom. On 2-20-20 Gomez received a Special Diet. On 3-12-20 Gomez had a call out to see his new PA-C Powanda She did a Anal exam: Tenderness on prostate exam, no nodules, negative hemoccult. Powanda prescribe levofloxacin for the infection, and acetaminophen for the pain.

Dr. Cullen was diliberate indifference base on the failure to provide adequate medical care. Gomez suffer extreme pain in lower abdominal, diarrhea with pain in Anus-Rectum area after the finish using

the bathroom. Gomez was traumatized to eat from the prison kitchen, because his symptoms got worse.

5) HSA R. Parkyn: Personally in his physical capacity. When Gomez suffered cruel and unusual punishment for not receiving special diet.

Gomez explained to HSA Parkyn about his difficulty of eating the food from the kitchen that was cooked with spicy seasoning. Which caused Gomez to have diarrhea, bloating, abdominal pain with pain in Anus-Rectum area after he finished using the bathroom. The facts that Gomez was diagnosed with colitis, proctitis. See (Patient Instructions Reviewed 2-11-18) Colitis is an irritation or inflammation of your colon. You may have diarrhea, abdominal pain, blood or mucus in your bowel movement. Gomez explained to PA-C Zalno multiple times that he doesn't feel safe eating meals out of the kitchen. Due to the fact that they put spicy seasoning on the food. Zalno told Gomez that it is not up to her that it is up to HSA Parkyn or Dr. Cullen to approve the request to see the dietician. On or about Sep of 2018 Gomez talked to HSA Parkyn in the prison chow hall. Parkyn told Gomez that he talked to Dr. Cullen and that Gomez's colonoscopy report said that there was no sign of the colitis. Parkyn went further to say that if you had colitis there wasn't a special diet for that condition. See (Colonoscopy Findings 7-18-18) "An area of mildly congested mucosa was found in the proximal ascending colon and in the cecum. Also see (Patient Instructions Reviewed 2-11-18) Avoid spicy food, caffeine, chocolate and food high in fat. Gomez continued having problems eating the food from the kitchen. Gomez started his administrative remedy on 7-17-19.

On 1-13-20 the General counsel response, "It is documented you claimed to have problem after eating food with spices. A diet consult was entered and is scheduled at a future date.

Gomez suffer emotional distress by being traumatize due to pain and suffering which cause Gomez to suffer unwanted infliction of pain. Gomez was deprive of his entitle three meals a day. Also of special diet which would had help Gomez diarrhea, bloating, abdominal pain with pain in Anus-Rectum area after he finish using the bathroom

Relief

1) Dr T. Cullen: Personally involved in his physical capacity. Should be liable for punitive damages, compensatory damage, Deliberate indifference. For failure to provide adequate medical care. Emotional distress for which Gomez should be compensated 5 million dollars.

2) HSA R. Parkyn: Personally involved in his physical capacity; Should be liable for deliberate indifference for not giving proper diet and depriving of Gomez entitle three meals a day. Punitive damages, compensatory damages, mental distress for which Gomez should be compensated 2 million dollars.

3) HSA J.B. Foster: Personally involved in her's physical capacity; Should be liable for pain and suffering. This falls under punitive damage, compensatory damage, deliberate indifference, which Gomez should be compensated 1 million dollars.

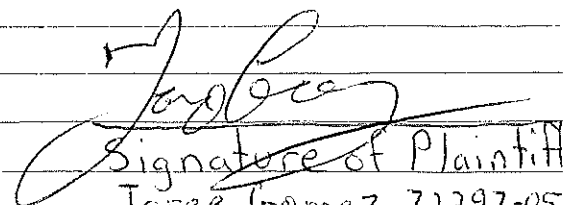
4) PA-C B. Zalno: Personally involved in her's physical capacity: Should be liable for negligence for denying proper medical treatment and prescribed in appropriate medication. This falls under punitive damage, compensatory damage, mental distress. Which Gomez should be compensated 5 million dollars.

5) PA-C K. Sorrell: Personally involved in her's physical capacity: Should be liable for negligence for denying proper medical care. When PA-C Sorrell didn't send Gomez to the hospital knowing his symptoms where serious. Giving Gomez Milk of magnesia making his diarrhea worse. Gomez suffered pain, mental distress, embarrassment and the lose of the enjoyment of live in varying degrees. Which Gomez should be compensated 5 million dollars.

Signature

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

Date: 9-24-20


Signature of Plaintiff
Jorge Gomez 72297-05
FCI Allenwood medium
PO Box 2000
White Deer, PA 17887

INMATE NAME/NUMBER: George Lamer 72297-054
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